

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

GREG MANNING,

Plaintiff,

v.

SAFELITE FULFILLMENT, INC. et.
al.,

Defendants.

Civil No. 17-2824 (RMB/MJS)

ORDER

This matter comes before the Court upon Defendants Nick Moran's and Safelite Fulfillment, Inc.'s ("Defendants") Objections [Docket No. 81] to Magistrate Judge Matthew J. Skahill's Report and Recommendation [Docket No. 79.] For the reasons set forth in the accompanying opinion of the same date

IT IS on this 11th day of August 2021, hereby **ORDERED** that:

1. The Court finds no clear error in the unobjected-to portions of the Report and Recommendation. Those portions of the report are ADOPTED;
2. The Report and Recommendation is ADOPTED, with respect to Defendants' Objections that Judge Skahill applied the incorrect legal standards or failed to appreciate the "degree and extent of prejudice" caused by Plaintiff's spoliation;
3. The Court RESERVES JUDGMENT on whether Plaintiff deleted his Facebook Messages with Stephen McCafferty with an intent to deprive Defendants of the information's use in litigation;

4. The Court RESERVES JUDGMENT on the appropriate sanctions, if any, for Plaintiff's non-prejudicial spoliation of his communications with Nicholas Walters and his prejudicial spoliation of his communications with Stephen McCafferty; and
5. At trial, the Court will submit to the jury the question of whether Plaintiff deleted his communications with McCafferty with an intent to deprive Defendants of the information's use.

s/ Renée Marie Bumb
RENÉE MARIE BUMB
United States District Judge